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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DON'T SHOOT PORTLAND, et al.

Plaintiffs

v.

CITY OF PORTLAND, a municipal
corporation,

Defendant.

Case No. 3:20-cv-00917-HZ

DECLARATION OF BENJAMIN FICKLIN
IN SUPPORT OF PLAINTIFF'S MOTION
FOR CLASS CERTIFICATION
ORAL ARGUMENT REQUESTED

I, Benjamin Ficklin, declare as follows pursuant to 28 USC § 1746:

1. I have personal knowledge of the information contained in this declaration. If called upon to do so, I could and would competently testify regarding the matters set forth herein
2. On June 7, 2020, I attended a protest in downtown Portland with my partner. My partner had reservations about attending protests so we made an agreement before we went that we would be non-aggressive, compliant, and leave if told to do so. We adhered to our agreement the entire evening.
3. The protest was at the Justice Center in downtown Portland. The Portland Police were present at the protest when we arrived. It was evening and dark outside. Shortly after we arrived the police announced on the LRAD for everyone to "disperse".
4. My partner and I decided the best plan for us was to leave the protest. We were holding hands and started walking west, away from the Justice Center. We walked past a line of police who were 6-10 feet away from us.
5. As we walked by, one of the police officers in the line was staring at me in an intimidating

way. I made eye contact with the officer and started feeling anxious that he was singling me out for

some reason though I had been nonaggressive the entire time.

6. I saw the officer's hand go to his torso and grab what I define as a grenade, a flashbang, or some type of munition. The officer threw the grenade in a "skipping stone" fashion toward me.

7. The grenade hit the ground and bounced up, hitting me on my chest. It exploded on my chest and felt like someone punched me very hard. There was a very loud bang and a flash of light. I immediately lost hearing and I lost the ability to see for a few seconds. I was still standing but very disoriented. My partner was talking to me repeatedly. I could see her mouth moving but I could not hear her.

8. My ears were ringing, and I could not hear a person near me who was speaking on a megaphone. I was very overwhelmed and afraid of the impact the bang had on my ability to hear.

9. I was still standing but staggering and wobbly. After a few moments my partner guided me away from the chaos. There was smoke everywhere and I still could not hear her. We walked toward the Schnitzer concert hall to take a break, then walked to Lincoln High School where friends met us to take us home.

10. To the best of my knowledge, the officers who used force against me were Portland Police Bureau, they were wearing uniforms that looked like PPB.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 5, 2022

BMF

BMF (Jan 7, 2022 12:22 PST)

BENJAMIN FICKLIN